

Birthright Citizenship

The Basics:

- Birthright citizenship refers to the practice of automatically conferring citizenship on any child born on United States soil, regardless of the immigration status of the parents.
- The [14th Amendment](#) of the Constitution, written after the Civil War to overrule the Supreme Court's [Dred Scott](#) decision and grant citizenship to former slaves, states:
 - "All persons born or naturalized in the United States, **and subject to the jurisdiction thereof**, are citizens of the United States and of the State wherein they reside."
 - According to the authors of the 14th Amendment, the jurisdiction language was meant to require [full political allegiance](#) to the United States, not just being subject to the country's laws.
 - Lawful permanent residents, who are granted permission to remain permanently in the United States, would have full political allegiance to their new nation. Illegal aliens and temporary visitors, on the other hand, would not, even though they would be subject to our laws while on U.S. territory.
- [Beginning sometime in the 20th century](#), the United States government began granting citizenship to any person born in the United States, including to children born in the United States only as a result of the illegal entry of their parents and those born here to tourists and other temporary visitors.
 - Because our immigration system allows U.S. citizen children who reach majority age to petition for their parents (and other relatives) to become lawful permanent residents here, this distortion of the 14th Amendment has resulted in birth tourism, where foreign nationals arrange to travel to the United States solely to give birth to a U.S. citizen child who can later bring his or her family here legally.
 - It also has served as an incentive for illegal entry by pregnant foreign nationals hoping to establish an "anchor" in the United States by giving birth to a U.S. citizen child. This is the origin of the term "anchor baby."
- On January 20, 2025, President Trump signed an executive order entitled [Protecting The Meaning And Value Of American Citizenship](#) which states:
 - "The Fourteenth Amendment has always excluded from birthright citizenship persons who were born in the United States but not 'subject to the jurisdiction thereof.'"

The Argument for Ending Birthright Citizenship:

- Proponents of birthright citizenship claim illegal aliens and temporary visitors giving birth on American soil ARE subject to the jurisdiction of the United States because they can be arrested. However, if simply being born on American soil renders one subject to the jurisdiction thereof, the drafters of the Amendment would not have needed to add the jurisdiction requirement. The language of the Amendment already states the requirement to be born here, so being subject to the jurisdiction thereof is an additional requirement and means more than simply being born here. The authors of the Amendment made very clear that there is a difference between political jurisdiction (complete allegiance to America) and legal jurisdiction (being subject to our laws while on our territory), and that the former is required for the grant of automatic citizenship. That is why they added the jurisdiction requirement while the Amendment was being debated in Congress.
- Birthright citizenship rewards the successful defiance of our immigration laws with the granting of a far-reaching benefit that other aliens must earn by abiding by our laws.
 - U.S. citizenship comes with substantial benefits, including the right to vote and immediate access to our social safety net. Americans have the right to decide who may participate in both, rather than an individual alien making the determination by giving birth on our soil during a temporary stay here.

LEGISLATIVE RECOMMENDATION: Congress should pass the Birthright Citizenship Act, introduced by [Rep. Brian Babin \(H.R. 569\)](#) in the House and [Sen. Lindsey Graham \(S. 304\)](#) in the Senate to limit birthright citizenship to the children born to U.S. citizens, lawful permanent residents, and active duty members of the military.

ADMINISTRATIVE RECOMMENDATION: As noted above, President Trump already has signed an Executive Order to end birthright citizenship for illegal aliens and temporary visitors. This order should be upheld by the Supreme Court and then enforced.